

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON RAY BUCKLES,

Defendant.

CR-15-01-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 13, 2024. (Doc. 178.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 10, 2024. (Doc. 174.) The United States accused Brandon Buckles (Buckles) of violating his conditions of supervised release by: (1) failing to report for his scheduled sex offender treatment appointment on August 13, 2024; (2) failing to comply with

substance abuse testing requirements by failing to report for removal and reapplication of his sweat patch on August 13, 2024; (3) failing to report for his scheduled sex offender treatment appointment on August 20, 2024; (4) failing to comply with substance abuse testing requirements by failing to report for removal and re-application of his sweat patch on August 20, 2024; and (5) failing to enter and successfully complete an outpatient sex offender treatment program by being terminated from sex offender treatment on August 20, 2024 and by: (6) failing to refrain from the unlawful use of a controlled substance by testing positive for methamphetamine on August 28, 2024. (Docs. 170 and 172.)

At the revocation hearing Buckles admitted to having violated the conditions of his supervised release by: (1) failing to report for his scheduled sex offender treatment appointment on August 13, 2024; (2) failing to comply with substance abuse testing requirements by failing to report for removal and reapplication of his sweat patch on August 13, 2024; (3) failing to report for his scheduled sex offender treatment appointment on August 20, 2024; (4) failing to comply with substance abuse testing requirements by failing to report for removal and re-application of his sweat patch on August 20, 2024; (5) failing to enter and successfully complete an outpatient sex offender treatment program by being terminated from sex offender treatment on August 20, 2024; and (6) failing to refrain from the unlawful use of a

controlled substance by testing positive for methamphetamine on August 28, 2024 (Doc. 174.)

Judge Johnston found that the violations Buckles admitted prove serious and warrants revocation of his supervised release and recommends a sentence of 4 months on Count 1 and 4 months on Count 3, followed by 52 months of supervised release on Count 1 and 28 months of supervised release on Count 3, with both the custodial terms and the supervised release terms to run concurrently. Buckles was advised of the 14 day objection period and his right to allocute before the undersigned. (Doc. 178.)

The violations prove serious and warrants revocation of Redstone's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 178.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Brandon Ray Buckles be sentenced to a term of custody of 4 months on Count 1 and 4 months on Count 3, followed by 52 months of supervised release on Count 1 and 28 months of supervised release on Count 3, with both the custodial terms and the supervised release terms to run concurrently.

DATED this 30th day of September, 2024.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court